



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL ENCOCHLEATION METHODS, COCHLEATES AND METHODS OF USE

the specification of which was filed on April 9, 2004 as Application No. 10/822230.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/461483	April 9, 2003	<u> x </u> Yes No ___
60/463076	April 15, 2003	<u> x </u> Yes No ___
60/502557	September 11, 2003	<u> x </u> Yes No ___
60/537252	January 15, 2004	<u> x </u> Yes No ___
60/499247	August 28, 2003	<u> x </u> Yes No ___
60/532755	December 24, 2003	<u> x </u> Yes No ___
60/556192	March 24, 2004	<u> x </u> Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 00959 (listed here):

James E. Cockfield	19,162	Jeremiah Lynch	17,425	Danielle L. Herritt	43,670
Thomas V. Smurzynski	24,798	David J. Rikkers	43,882	Cynthia M. Soroos	53,623
Ralph A. Loren	29,325	* Maria Laccotripe Zacharakis, Ph.D.		Jonathan M. Sparks, Ph.D.	53,624
Giulio A. DeConti, Jr.	31,503	Debra J. Milasincic	46,931	Merideth C. Arnold	52,568
Elizabeth A. Hanley	33,505	David R. Burns	46,590	Peter W. Dini, Ph.D.	52,821
Amy E. Mandragouras	36,207	Sean D. Detweiler	42,482	Andrina Williams Zink	54,539
Anthony A. Laurentano	38,220	Cynthia L. Kanik, Ph.D.	37,320	John D. Lanza	40,060
Kevin J. Canning	35,470	Theodore R. West	47,202	Cristin E. Howley, Ph.D.	55,281
Jane E. Remillard	38,872	Hathaway Pease	46,488	Jill A. Mello, Ph.D.	P55,450
DeAnn F. Smith	36,683	John S. Curran	50,445	Michael J. Bastian, Ph.D.	47,411
Jeanne M. DiGiorgio	41,710	Lisa M. DiRocco	51,619	Christopher J. McKenna	53,302
Megan E. Williams	43,270				

* Limited Recognition Under 37 C.F.R. § 10.9(b)

all of **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments

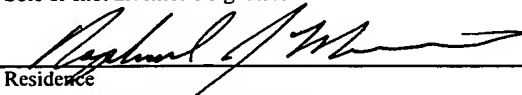
therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.


Please mail all correspondence to Elizabeth A. Hanley at **Customer Number** 00959, whose address is:

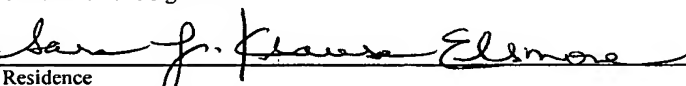
Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

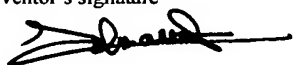
Please direct telephone calls to: Elizabeth A. Hanley at (617) 227-7400.

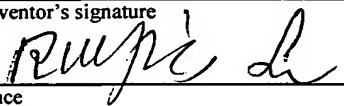
Please direct facsimiles to: (617) 742-4214

Full name of sole or first inventor Raphael J. MANNINO	
Sole or first inventor's signature 	Date 8/27/04
Residence Annandale, New Jersey	
Citizenship US	
Mailing Address 36 Meadowview Drive Annandale, New Jersey 08801	

Full name of second inventor, if any Susan GOULD-FOGERITE	
Second inventor's signature 	Date 8/27/04
Residence Annandale, New Jersey	
Citizenship US	
Mailing Address 6 Cynthia Court Annandale, New Jersey 08801	

Full name of third inventor, if any Sara L. KRAUSE-ELSMORE	
Third inventor's signature 	Date 8-27-04
Residence Kearny, New Jersey	
Citizenship US	
Mailing Address 100 Maple Street Kearny, New Jersey 07032	

Full name of fourth inventor, if any David DELMARRE	
Fourth inventor's signature 	Date 08/16/04
Residence Jersey City, New Jersey	
Citizenship France	
Mailing Address 20 Second Street, Apt. 306 Jersey City, New Jersey 07302	

Full name of fifth inventor, if any Ruying LU	
Fifth inventor's signature 	Date 5/25/04
Residence New Providence, New Jersey	
Citizenship China	
Mailing Address 47 Newcomb Drive New Providence, New Jersey 07974-1728	